



Maynard Police Department

Chief Michael A. Noble

197 Main Street
Maynard, MA 01754
978-897-1006



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Via e-mail to: Testimony.HWMJudiciary@mahouse.gov
Re: Concerns to Senate 2820 as Amended

Dear Chair Aaron Michlewitz and Chair Claire Cronin,

Please accept the following testimony with regard to SB2820 - An Act to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color.

As the Mass Chiefs of Police Association (MCOPA) outlined several key problems with the senate's bill, I will not repeat them but assuredly I agree with them. I write to you and wish to reiterate that a process that has no public hearing and no input from the key stakeholder that it affects is not only wrong it is dangerous. This process will unavoidably produce unintended consequences as there is only one side of thinking with their bill.

Massachusetts police officers are the best in the nation, despite the aversion from the Legislature over the years. We have the most educated and trained officers; however, the Commonwealth provides the least amount of money for training per officer in the country. Why are Massachusetts officers so well trained is not a mystery; we take pride in our profession and are always ahead of the curve using best police practices. Many years ago, the Commonwealth funded the Massachusetts Police Accreditation Commission (MPAC), however stopped funding it for reasons unknown. When this happened police departments around the state, knowing how important it is to be accredited and to have uniformed policies and procedures, self-funded the Commission. There are numerous other programs police departments implemented with no monetary assistance from the Commonwealth, because Massachusetts officers know the value of training and professionalism will pay for itself in the long run. The ironic and farcical concept regarding the Commonwealth's lack of funding for police training is that the Senate Bill's POSAC commission would cost nearly as much as the entire yearly budget of the MPTC.

We **must** work together to pass true legislation that will hold officers accountable for misconduct, keep the training at a high level, and still be able to recruit great young talent. We cannot keep debasing the police profession if we want good quality officers over the next generation. Recently I was asked "how can we recruit more minority officers?" the obvious answer to begin with is to stop denigrating the profession as a whole. It is difficult for people to want to go into a profession where you are disliked with such disdain by people who don't know you just because of the uniform you wear.

The make-up of the POSAC commission has to be fair and look at any investigation or training honestly and impartially. The senate's version has too many absolute adversaries of the police profession and will not look at training or incidents with an open mind. Imagine most of

Fax (978) 897-8002

Email mnoble@maynardpolice.com

the persons on a doctor malpractice commission made up of victims of malpractice and the lawyers who sue for malpractice; it is a ludicrous philosophy. Also, the idea that Chiefs and officers on this commission won't hold officers accountable is nonsensical. We want bad officers gone more than anyone, **Period**. You need to look no further than the malevolence that one despicable officer in Minneapolis has done to our profession (I do understand there are other officers and incidents, but the officer in the Minneapolis incident disregarded the sanctity of life to a level that was inhuman, it sets it apart from any other). As a Chief I understand we must do better and there is legislation that can help achieve this, but it is absolutely not the senate legislation.

Police officers right now are very demoralized. The profession is getting pummeled with hostility and blanket allegations that apply to all officers, no matter how much they have done for their community. Much like politicians, police officers have to have thick skin. However, vitriolic comments spouted to good officers that they are "racist bastards" no matter how thick your skin is it will obviously take its toll. Officers feel they are not appreciated even with all the good they have done, which is exorbitantly more than any unscrupulous behavior. One of the most unintended consequence will become recruiting in the future. This will have a devastating impact for years to come.

Qualified immunity must not be repealed or altered. Qualified immunity only applies to personal civil liability and doesn't shield officers from criminal penalties; however, many state and national media and legislators describe qualified immunity as if it was complete immunity to all liability (criminal and civil). Also, I find it ironic that state employees, including the senate, are automatically indemnified by the Commonwealth in these actions where municipal employees are not. Further, allowing suits to be brought in state court and assessing attorney's fees will cost municipalities significantly. A relatively minor incident could cost a municipality significantly more than the damage when accounting for the attorney's fees. There was and still is a purpose for qualified immunity, eliminating it will have dire consequences as officers will be less proactive and more reactive out of fear. This undoubtedly will make communities less safe especially already high crime areas.

The senate's legislation in s.2820 is severally flawed with foreseeable unintended consequences. These consequences will have devastating effects to the police profession but more importantly to the safety of citizens of the Commonwealth.

Respectfully Submitted

Michael A. Noble
Chief of Police